

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 14286US02

PATENT

In the Application of:

Jeyhan Karaoguz, et al.

Serial No.: 10/667,833

Filed: September 22, 2003

For: MEDIA EXCHANGE NETWORK
SUPPORTING CONSUMPTION OF
BROADCAST AND USER
CAPTURED MEDIA

Examiner: Cheema, Umar

Group Art Unit: 2144

Confirmation No.: 1002

Electronically Filed On November 7, 2008

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant respectfully requests that the Board of Patent Appeals and Interferences reverse the final rejection of claims 1-48 of the present application. The Appeal Brief is timely because it is being filed with a Notice of Appeal within three months of the Office Action mailed August 7, 2008.

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

The real party in interest is Broadcom Corporation, having a place of business at 16215 Alton Parkway, Irvine, California 92619.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

United States Application 10/672,864, filed September 26, 2003.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

The present application includes claims 1-48. These claims stand rejected.¹ The Applicants identify claims 1-48 as the claims that are being appealed. The text of the claims involved in this Appeal, namely, claims 1-48, is provided in the Claims Appendix.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

Subsequent to the final rejection of claims 1-48 mailed February 15, 2008, the Applicants filed a Request for Continued Examination along with a Submission.² The Office Action mailed August 7, 2008, however, maintains the exact same claim rejections as the Final Office Action February 15, 2008.³

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

¹ See August 7, 2008 Office Action.

² See July 28, 2008 RCE and Amendment Under 37 C.F.R. § 1.114.

³ Compare February 15, 2008 Final Office Action and August 7, 2008 Office Action. Namely, claims 1-9, 14-22, 25-27, 29, 30-32, 34-44 and 48 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 7,065,778 ("Lu"), while claims 10-13, 23-24, 28, 33 and 45-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of U.S. 6,963,358 ("Cohen").

Independent claim 1 recites the following:

A system supporting concurrent consumption of media from multiple sources,⁴ the system comprising:

a first television⁵ in a first home;⁶

a first storage in the first home that stores a first media,⁷ and having a first network protocol address;⁸

a second television⁹ in a second home;¹⁰

a second storage in the second home, the second storage having a second network protocol address;¹¹

at least one server for storing and distributing 3rd party media;¹²

a communication network;¹³ and

server software that maintains a user defined¹⁴ association of the first and second network protocol addresses, that receives a request that identifies one of the associated first and second network protocol addresses¹⁵ and responds by identifying the other of the associated first and second network protocol addresses¹⁶ to support delivery via the communication network of the

⁴ See present application, *e.g.*, at page 5, lines 2-3.

⁵ See *id.*, *e.g.*, at Figure 1B, ref. 120.

⁶ See *id.*, *e.g.*, at page 5, lines 3-4, Figure 1A, ref. 102, Figure 3, ref. 303.

⁷ See *id.*, *e.g.*, at page 5, lines 4-5.

⁸ See *id.*, *e.g.*, at page 5, lines 6-7.

⁹ See *id.*, *e.g.*, at Figure 1B, ref. 120.

¹⁰ See *id.*, *e.g.*, at page 5, lines 5-6, Figure 1A, ref. 104, Figure 3, ref. 310.

¹¹ See *id.*, *e.g.*, at page 5, lines 7-8.

¹² See *id.*, *e.g.*, at page 5, lines 8-10, Figure 1A, ref. 106.

¹³ See *id.*, *e.g.*, at page 5, lines 8-10, Figure 3, ref. 304.

¹⁴ See *id.*, *e.g.*, at page 24, lines 10-13 and 16-18, page 26, lines 5-13.

¹⁵ See *id.*, *e.g.*, at page 5, lines 10-12.

¹⁶ See *id.*, *e.g.*, at page 5, lines 12-13.

3rd party media from the at least one server,¹⁷ and the first media from the first storage, to the second home,¹⁸ and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television, and the 3rd party media and the first media by the second television.¹⁹

Independent claim 15 recites the following:

A system supporting concurrent consumption of media from multiple sources,²⁰ the system comprising:

a first storage in a first home that stores a first media,²¹ and having a first protocol address;²²

a second television²³ in a second home,²⁴ and having a second protocol address;

at least one server for storing and distributing 3rd party media;²⁵

set top box circuitry, in the first home, communicatively coupled to deliver the first media from the first storage to the second television concurrent with consumption, at the first home, of at least the 3rd party media;²⁶

a communication network;²⁷ and

server software that maintains a user defined²⁸ association of the first and second protocol addresses, that receives a request that identifies one of the associated first and second protocol

¹⁷ See *id.*, e.g., at page 5, lines 13-15.

¹⁸ See *id.*, e.g., at page 5, lines 15-16.

¹⁹ See *id.*, e.g., at page 5, lines 16-20.

²⁰ See *id.*, e.g., at page 7, lines 12-13.

²¹ See *id.*, e.g., at page 7, lines 13-15.

²² See *id.*, e.g., at page 7, lines 16-17.

²³ See *id.*, e.g., at Figure 1B, ref. 120.

²⁴ See *id.*, e.g., at page 7, lines 13-15.

²⁵ See *id.*, e.g., at page 5, lines 8-10, page 7, line 16, Figure 1A, ref. 106.

²⁶ See *id.*, e.g., at page 7, lines 18-22.

addresses²⁹ and responds by identifying the other of the associated first and second protocol addresses³⁰ to support delivery via the communication network of the 3rd party media from the at least one server and the first media from the first storage, to the second television for concurrent consumption of the 3rd party media and the first media.³¹

Independent claim 25 recites the following:

A system supporting concurrent consumption of media from multiple sources,³² the system comprising:

a first storage in a first home that stores a first media;³³

a second television³⁴ in a second home;³⁵

at least one server for storing and distributing 3rd party media;³⁶

set top box circuitry, in the second home, communicatively coupled to receive the first media from the first storage and the 3rd party media from the at least one server, for concurrent consumption by the second television;³⁷

a communication network;³⁸ and

²⁷ See *id.*, e.g., at page 7, line 22 to page 8, line 1.

²⁸ See *id.*, e.g., at page 24, lines 10-13 and 16-18, page 26, lines 5-13.

²⁹ See *id.*, e.g., at page 8, lines 1-2.

³⁰ See *id.*, e.g., at page 8, lines 2-3.

³¹ See *id.*, e.g., at page 8, lines 4-7.

³² See *id.*, e.g., at page 9, lines 7-8.

³³ See *id.*, e.g., at page 9, lines 8-10.

³⁴ See *id.*, e.g., at Figure 1B, ref. 120.

³⁵ See *id.*, e.g., at page 9, lines 8-10.

³⁶ See *id.*, e.g., at page 9, line 11, Figure 1A, ref. 106.

³⁷ See *id.*, e.g., at page 9, lines 11-15.

³⁸ See *id.*, e.g., at page 9, lines 15-16.

server software that coordinates delivery via the communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry.³⁹

Independent claim 30 recites the following:

A system supporting concurrent consumption of media from multiple sources,⁴⁰ the system comprising:

set top box circuitry, in a second home,⁴¹ communicatively coupled to receive first media from a first storage located in a first home and to receive 3rd party media from at least one server,⁴² for concurrent consumption by a second television in the second home;⁴³

software that coordinates delivery via a communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry.⁴⁴

Independent claim 35 recites the following:

A system supporting concurrent consumption of media from multiple sources,⁴⁵ the system comprising:

at least one server for storing and distributing 3rd party media;⁴⁶ and

software that maintains a user defined association⁴⁷ of a first network protocol address⁴⁸ of a first storage in a first home and second network protocol address of a second storage in a

³⁹ See *id.*, e.g., at page 9, lines 16-18.

⁴⁰ See present application, e.g., at page 5, lines 2-3.

⁴¹ See *id.*, e.g., at page 5, lines 5-6, Figure 1A, ref. 104, Figure 3, ref. 310.

⁴² See *id.*, e.g., at Figure 1A, ref. 106

⁴³ See *id.*, e.g., at page 5, lines 16-20.

⁴⁴ See *id.*, e.g., at page 9, lines 16-18.

⁴⁵ See present application, e.g., at page 5, lines 2-3.

⁴⁶ See *id.*, e.g., at page 5, lines 8-10, Figure 1A, ref. 106.

⁴⁷ See *id.*, e.g., at page 24, lines 10-13 and 16-18, page 26, lines 5-13.

⁴⁸ See *id.*, e.g., at page 5, lines 6-7.

second home, the software configured to receive a request that identifies one of the associated first and second network protocol addresses⁴⁹ and respond by identifying the other of the associated first and second network protocol addresses⁵⁰ to support delivery via a communication network of the 3rd party media from the at least one server,⁵¹ and the first media from the first storage, to the second home, and the 3rd party media from the at least one server to the first home, for concurrent consumption of the 3rd party media by a first television at the first home and the 3rd party media and the first media by a second television at the second home.⁵²

GROUND OF REJECTION TO BE REVIEWED ON APPEAL
(37 C.F.R. § 41.37(c)(1)(vi))

- Claims 1-9, 14-22, 25-27, 29, 30-32, 34-44 and 48 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 7,065,778 (“Lu”).
- Claims 10-13, 23-24, 28, 33 and 45-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of U.S. 6,963,358 (“Cohen”).

ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))

I. Lu Does Not Anticipate Claims 1-9, 14-22, 25-27, 29, 30-32, 34-44 And 48

“A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in **a single prior art reference.**” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)

⁴⁹ See *id.*, e.g., at page 5, lines 10-12.

⁵⁰ See *id.*, e.g., at page 5, lines 12-13.

⁵¹ See *id.*, e.g., at page 5, lines 13-15.

⁵² See *id.*, e.g., at page 5, lines 16-20.

(emphasis added). “The **identical** invention must be shown in as complete detail as is contained in ... the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Lu “relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming.” *See* Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then

arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Claim 1 recites, in part, “server software that **maintains a user defined association of the first and second network protocol addresses**, that receives a request that identifies one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses **to support delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television, and the 3rd party media and the first media by the second television.**” Lu does not describe, teach, or suggest these limitations. Instead, as explained above, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR in a particular broadcast area to record the show for the requesting PVR.

A. Server Software That Maintains A User Defined Association Of The First And Second Network Protocol Addresses, As Recited In Independent Claims 1, 15 And 35

The Office Action seemingly cites Lu only at reference numerals 304 and 200 and column 10, lines 10-15 as disclosing server software “that maintains a user defined association of the first and second network protocol addresses.” See August 7, 2008 Office Action at pages 3, 7, 10-11 and 17 and February 15, 2008 Office Action at pages 3, 6-7, 10 and 17. Reference numeral 304 of Lu is an “EPG server,” while reference numeral 200 is a personalized video recorder. See Lu at Figure 3. However, there is nothing in Figure 1, nor its accompanying description, that describes, teaches or suggests that either the EPG 304 or the PVR 200

“maintains a **user defined association** of the first and second network protocol addresses.”

Indeed, the Applicants respectfully submit that Lu is completely devoid of anything that describes, teaches or suggests this limitation. Indeed, the Office Action is unable to indentify anything in Lu that describes, teaches or suggests such a limitation.

The only portion of the specification of Lu that the Office Action cites as disclosing server software “that maintains a user defined association of the first and second network protocol addresses,” namely Lu at column 10, lines 10-15, states the following:

Furthermore, the programming instructions of step 512 may also include an Internet Protocol (IP) address of a device (e.g., personalized video recorder 200) that the personalized video recorder (e.g., 200A or 200B) should transmit the requested television show to once it has been recorded.

Lu at column 10, lines 10-15. This portion of Lu merely indicates that the IP address of the location to which the recorded show will be sent. This portion of Lu does not, however, describe, teach or suggest “server software that **maintains a user defined association** of the **first and second network protocol addresses**,” as recited in claims 1, 15 and 35. Thus, for at least these reasons, the Office Action has not established a *prima facie* case of anticipation with respect to claims 1, 15, 35 and the claims that depend therefrom.

B. Receiving First Media From A First Storage And 3rd Party Media From At Least One Server, For Concurrent Consumption By A Television

Additionally, the Office Action cites the specification of Lu **only** at column 6, lines 21-28 and 39-61 as disclosing “support[ing] delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home.” See August 7, 2008 Office Action at pages 4, 7 and 11 and February 15, 2008 Office Action at pages 3-4, 7, 9-

10, 11 and 17. As such, the Applicants will address these portions upon which the Office Action relies.

First, Lu at column 6, lines 21-28 states the following:

An optional display device 212 is coupled to bus 210 of personalized video recorder 200 for displaying video and/or graphics. It should be appreciated that optional display device 212 may be a cathode ray tube (CRT), flat panel liquid crystal display (LCD), field emission display (FED), or any other display device suitable for displaying vide and/or graphic images and alphanumeric characters recognizable to a user.

As shown above, this cited portion of Lu merely discloses that a display device, examples of which are recited, is coupled to a bus of a PVR. This cited portion of Lu does not describe, teach or suggest, however (nor has the Office explained how it could describe, teach or suggest) “support[ing] **delivery** via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television display, and the 3rd party media and the first media by the second television display,” as recited in claim 1, for example.

Next, Lu at column 6, lines 39-61 (the only other portion of Lu that the Office Action cites as disclosing the “supporting” limitations) recites the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the request television show. Subsequently, EPG server computer 304 programs one or more

personalized video recorders (e.g., 200A and/or 200B) to record the requested television show when it is broadcast by a television content provider (e.g., television head-end 308). Once the personalized video recorders (e.g., 200A and 200B) record the television show, one or more of the personalized video recorders may transmit it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider (e.g., 306).

See Lu at column 6, lines 39-61. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” *See id.* at column 6, lines 43-45. As this cited portion makes clear, in response to the request for delivery, the EPG server “locates one or more personalized video recorders situated within a broadcast region of the requested television show.” Location of a recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that “identif[ies] the other of the associated first and second network protocol addresses to support delivery,” as recited in claim 1, for example. Moreover, there is nothing in this passage, or the rest of Lu, that describes, teaches or suggests “support[ing] **delivery** via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television display, and the 3rd party media and the first media by the second television display,” as recited in claim 1. Thus, for at least this additional reason, Lu does not anticipate claim 1 or the claims that depend therefrom.

Independent claim 25 recites, in part, “set top box circuitry, in the second home, communicatively coupled to receive the first media from the first storage and the 3rd party media from the at least one server, for concurrent consumption by the second television display,” and

“server software that coordinates delivery via the communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry.”

As discussed above, Lu does not describe, teach or suggest receiving first media from a first storage and 3rd party media from at least one server, for concurrent consumption by a television. Thus, for at least these reasons, Lu does not anticipate claims 25-27 and 29.

Claim 30 recites, in part, “software that coordinates delivery via a communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry.” As discussed above, Lu does not describe, teach or suggest receiving first media from a first storage and 3rd party media from at least one server, for concurrent consumption by a television. Thus, for at least these reasons, Lu does not anticipate claim 30 or the claims that depend therefrom.

II. The Proposed Combination Of Lu And Cohen Does Not Render Claims 10-13, 23-24 And 28 Unpatentable

The Applicants now turn to the rejection of claims 10-13, 23-24 and 28 as being unpatentable over Lu in view of Cohen. The proposed combination of references does not render these claims unpatentable for at least the reasons discussed above.

III. Conclusion

The Office Action states the following:

Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

See August 7, 2008 Office Action at pages 18-19 and February 15, 2008 Office Action at page 18. Nevertheless, this general, blanket statement does not relieve the Examiner from establishing a *prima facie* case of anticipation or obviousness with respect to the pending claims if the Examiner intends to reject the claims. The Applicants note that if a *prima facie* case of anticipation or obviousness is not established, the Applicants are under no obligation to submit evidence of nonobviousness.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

It is not enough for the Examiner to generally cite a reference and then leave it up to the Applicants to make out a *prima facie* case for the Examiner. In the present application, the Applicants have even demonstrated that the portions of Lu that the Office Action relies on do not describe, teach or suggest the relevant claim limitations. As such, the burden shifts back to the Examiner to try to establish a *prima facie* case of anticipation or obviousness. Regardless, the Applicants are confident that Lu, alone or in combination with Cohen, does not describe, teach or suggest the limitations discussed above.

As noted above, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of anticipation or obviousness with respect to any of the pending claims. Indeed, the Office Action seems to acknowledge that the arguments set forth in the February 15, 2008 Office Action are not entirely persuasive. See August 7, 2008 Office Action at page 16 and February 15, 2008 Office Action at page 16 (“Applicants arguments field [sic] ...

have been fully considered but they are not persuasive. **However, because there exists the likelihood of future presentation of this argument**, the Examiner thinks that it is prudent to address applicant's main point of contention.") Clearly, if the Office Action was confident in its arguments, it seems unlikely that it would expect the "likelihood of future presentation of this argument."

For at least the reasons discussed above, the Applicants respectfully submit that the pending claims are allowable in all respects. Therefore, the Board is respectfully requested to reverse the rejections of pending claims 1-48.

PAYMENT OF FEES

The Commissioner is authorized to charge any necessary fees, including the \$30 extra fee for the Notice of Appeal (Applicants previously paid \$510 for a Notice of Appeal on April 3, 2008) and the \$540 fee for this Appeal Brief, or credit overpayment to Deposit Account 13-0017.

Dated: November 7, 2008

Respectfully submitted,
/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326
McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8000

CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

1. A system supporting concurrent consumption of media from multiple sources, the system comprising:

a first television in a first home;

a first storage in the first home that stores a first media, and having a first network protocol address;

a second television in a second home;

a second storage in the second home, the second storage having a second network protocol address;

at least one server for storing and distributing 3rd party media;

a communication network; and

server software that maintains a user defined association of the first and second network protocol addresses, that receives a request that identifies one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television, and the 3rd party media and the first media by the second television.

2. The system of claim 1 wherein the first media comprises one or more of audio, a still image, video, and/or data.

3. The system of claim 2 wherein the first media is real-time video.
4. The system of claim 1 wherein the 3rd party media comprises one or more of audio, a still image, video, and/or data.
5. The system of claim 1 wherein the first and second network protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN).
6. The system of claim 1 wherein the at least one server comprises one or more of a 3rd party media provider, a 3rd party service provider, and/or a broadband head end.
7. The system of claim 1 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.
8. The system of claim 7 wherein the communication network is the Internet.
9. The system of claim 1 wherein the consuming comprises one or more of playing digitized audio, displaying a still image, displaying video, and/or displaying data.
10. The system of claim 1 further comprising:
at least one first media peripheral communicatively coupled to the first storage.
11. The system of claim 10 wherein the at least one first media peripheral comprises one or more of a digital camera, a digital camcorder, a television, a personal computer, a CD

player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and/or a MP3 player.

12. The system of claim 1 further comprising:

at least one second media peripheral communicatively coupled to the second storage; and

the server software supporting delivery of the second media from the second storage to the first home for concurrent consumption of the 3rd party media and the second media by the first television display.

13. The system of claim 12 wherein the at least one second media peripheral comprises one or more of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and/or a MP3 player.

14. The system of claim 1 further comprising a media guide interface for displaying media availability.

15. A system supporting concurrent consumption of media from multiple sources, the system comprising:

a first storage in a first home that stores a first media, and having a first protocol address;

a second television in a second home, and having a second protocol address;

at least one server for storing and distributing 3rd party media;

set top box circuitry, in the first home, communicatively coupled to deliver the first media from the first storage to the second television concurrent with consumption, at the first home, of at least the 3rd party media;

a communication network; and

server software that maintains a user defined association of the first and second protocol addresses, that receives a request that identifies one of the associated first and second protocol addresses and responds by identifying the other of the associated first and second protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server and the first media from the first storage, to the second television for concurrent consumption of the 3rd party media and the first media.

16. The system of claim 15 wherein the first media comprises one or more of audio, a still image, video, and/or data.

17. The system of claim 15 wherein the first media is real-time video.

18. The system of claim 15 wherein the 3rd party media comprises one or more of audio, a still image, video, and/or data.

19. The system of claim 15 wherein the first and second protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN).

20. The system of claim 15 wherein the at least one server comprises one or more of a 3rd party media provider, a 3rd party service provider, and/or a broadband head end.

21. The system of claim 15 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

22. The system of claim 21 wherein the communication network is the Internet.

23. The system of claim 15 further comprising:

at least one first media peripheral communicatively coupled to the first storage.

24. The system of claim 23 wherein the at least one first media peripheral comprises one or more of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and/or a MP3 player.

25. A system supporting concurrent consumption of media from multiple sources, the system comprising:

a first storage in a first home that stores a first media;

a second television in a second home;

at least one server for storing and distributing 3rd party media;

set top box circuitry, in the second home, communicatively coupled to receive the first media from the first storage and the 3rd party media from the at least one server, for concurrent consumption by the second television;

a communication network; and

server software that coordinates delivery via the communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry.

26. The system of claim 25 wherein the first media and the 3rd party media comprise one or more of audio, a still image, video, and/or data.

27. The system of claim 25 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

28. The system of claim 25 further comprising:

at least one media peripheral communicatively coupled to the first storage, the at least one media peripheral comprising one or more of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and/or a MP3 player.

29. The system of claim 25 further comprising a media guide interface for displaying and coordinating media availability.

30. A system supporting concurrent consumption of media from multiple sources, the system comprising:

set top box circuitry, in a second home, communicatively coupled to receive first media from a first storage located in a first home and to receive 3rd party media from at least one server, for concurrent consumption by a second television in the second home;

software that coordinates delivery via a communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry.

31. The system of claim 30 wherein the first media and the 3rd party media comprise one or more of audio, a still image, video, and/or data.

32. The system of claim 30 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

33. The system of claim 30 further comprising:

at least one media peripheral communicatively coupled to the first storage, the at least one media peripheral comprising one or more of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and/or a MP3 player.

34. The system of claim 30 further comprising a media guide interface for displaying and coordinating media availability.

35. A system supporting concurrent consumption of media from multiple sources, the system comprising:

at least one server for storing and distributing 3rd party media; and

software that maintains a user defined association of a first network protocol address of a first storage in a first home and second network protocol address of a second storage in a second home, the software configured to receive a request that identifies one of the associated first and second network protocol addresses and respond by identifying the other of the associated first and second network protocol addresses to support delivery via a communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server to the first home, for concurrent consumption of the 3rd party media by a first television at the first home and the 3rd party media and the first media by a second television at the second home.

36. The system of claim 35 wherein the first media comprises one or more of audio, a still image, video, and/or data.

37. The system of claim 36 wherein the first media is real-time video.

38. The system of claim 35 wherein the 3rd party media comprises one or more of audio, a still image, video, and/or data.

39. The system of claim 35 wherein the first and second network protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN).

40. The system of claim 35 wherein the at least one server comprises one or more of a 3rd party media provider, a 3rd party service provider, and/or a broadband head end.

41. The system of claim 35 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure.

42. The system of claim 41 wherein the communication network is the Internet.

43. The system of claim 35 wherein the consumption comprises one or more of playing digitized audio, displaying a still image, displaying video, and/or displaying data.

44. The system of claim 35 further comprising:

at least one first media peripheral communicatively coupled to the first storage.

45. The system of claim 44 wherein the at least one first media peripheral comprises one or more of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and/or a MP3 player.

46. The system of claim 35 further comprising:

at least one second media peripheral communicatively coupled to the second storage; and

the software supporting delivery of the second media from the second storage to the first home for concurrent consumption of the 3rd party media and the second media.

47. The system of claim 46 wherein the at least one second media peripheral comprises one or more of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and/or a MP3 player.

48. The system of claim 35 further comprising a media guide interface for displaying media availability.

EVIDENCE APPENDIX

(37 C.F.R. § 41.37(c)(1)(ix))

- (1) U.S. 7,065,778 (“Lu”), entered into record by Examiner in September 20, 2007 Office Action.
- (2) U.S. 6,963,358 (“Cohen”), entered into record by Examiner in September 20, 2007 Office Action.

Application Serial No. 10/667,833
Appeal Brief

RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

Not applicable.